

HB0103S03 compared with HB0103

~~{Omitted text}~~ shows text that was in HB0103 but was omitted in HB0103S03
inserted text shows text that was not in HB0103 but was inserted into HB0103S03

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1 **~~{Public}~~ State Land Access Road Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor: Keven J. Stratton

2

3 **LONG TITLE**

4 **General Description:**

5 This bill requires certain state entities to identify and record notice of roads that ~~{access}~~ traverse
certain lands owned by the state.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ requires the Public Lands Policy Coordinating Office (PLPCO) and the School and Institutional
Trust Lands Administration (SITLA) to identify certain roads ~~{that provide access to the}~~ located on
school and institutional trust lands and state lands, with initial focus within certain counties;

12 ▶ requires PLPCO and SITLA to record with the relevant county recorder's office notice of the
~~{access}~~ roads relevant to state lands and school and institutional trust lands;

14 ▶ exempts class A, class B, and class C roads from the notice requirements; ~~{and}~~

16 ▶ provides requirements for the Division of Wildlife Resources to identify roads within
wildlife management areas;

18 ▶ provides that the Division of Wildlife Resources may not permanently close a road without
consent of the legislative body of the county in which the road is located; and

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15 ▶ codifies a provision to ensure that title to a class D road abandoned by a county {~~reverts to~~}
16 remains with the state, and provides a process for abandonment of a class D road or R.S. 2477 right-of-
17 way.

23 Money Appropriated in this Bill:

24 None

25 None

28 AMENDS:

29 **23A-6-303 , as renumbered and amended by Laws of Utah 2023, Chapter 103 , as**
30 **renumbered and amended by Laws of Utah 2023, Chapter 103**

31 **63L-11-202 , as last amended by Laws of Utah 2024, Chapter 36 , as last amended by Laws of Utah**
32 **2024, Chapter 36**

33 **72-3-105 , as last amended by Laws of Utah 2000, Chapter 324 , as last amended by Laws of Utah**
34 **2000, Chapter 324**

35 **72-5-305 , as renumbered and amended by Laws of Utah 1998, Chapter 270 , as renumbered**
36 **and amended by Laws of Utah 1998, Chapter 270**

33 ENACTS:

34 **53C-2-106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

35 **63L-11-205** , Utah Code Annotated 1953 , Utah Code Annotated 1953

37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section 23A-6-303 is amended to read:

39 **23A-6-303. Review and adoption of management plans.**

40 (1) The division shall submit a draft management plan to the Resource Development Coordinating
41 Committee created in Section 63L-11-401 and the Habitat Council created by the division for their
42 review and recommendations.

43 (2) The division shall submit a draft management plan and any recommendations received from the
44 Resource Development Coordinating Committee and the Habitat Council to:

45 (a) the regional advisory council for the wildlife region in which the lands covered by the management
46 plan are located; and

47 (b) the regional advisory council for a wildlife region that may be affected by the management plan.

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(3) A regional advisory council reviewing a draft management plan may make recommendations to the director.

51 (4) The director may adopt the management plan, adopt the management plan with amendments, or reject the management plan.

53 (5)

(a) At the request of the director or a member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with Wildlife Board policies.

56 (b) The director may amend a management plan in accordance with recommendations made by the Wildlife Board.

58 (6) Neither the division nor the director may permanently close a road within a wildlife management area as part of a management plan without consent of the county legislative body within which the wildlife management area is located.

61 Section 2. Section 2 is enacted to read:

62 **53C-2-106. Identification and recording of public roads {accessing} located on trust lands.**

32 (1) {In coordination with the Public Lands Policy Coordinating Office created in Section 63L-11-201, the} The director shall:

34 (a) subject to Subsection (2), using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify temporary public easements or rights of entry granted pursuant to Section 72-5-203 for roads {that provide access to} located on trust lands within each county; and

36 (b) {on or before March 31, 2026} subject to Section 72-5-203, record with the county recorder of the county in which the {trust land and access road} temporary public easement or right of entry is located a {document} grant or permanent easement as described in Subsection {(3)} (4) that gives notice of the existence of the public road.

72 (2)

(a) Subject to Subsection (2)(b), the director may complete the requirements of Subsection (1) over time and as resources allow.

74 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan County, Uintah County, and Wayne County, the director shall complete the requirements described in Subsection (1) on or before January 5, 2026.

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~~{(2)}~~ (3) The director is not required to identify or record notice of any class A, class B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.

41 ~~{(3)}~~ (4) The ~~{notice}~~ grant of easement required in Subsection (1)(b) shall include:

42 (a) a ~~{title-identifying}~~ requirement that the roads ~~{and access points as "Public Access" or "Public Right-of-way";}~~ remain open for public use; and

44 (b) ~~{coordinates}~~ a legal description, as described in Subsection 57-3-105(4), of the relevant ~~{access points}~~ roads sufficient for reasonable identification of the road.

46 ~~{(4)}~~ (5)

. (a) If a parcel of trust lands is subject to a sale{-} or an exchange{-,or a lease-} as provided in this title, the director shall ensure that the requirements of Subsection (1) are completed before the sale{-} or exchange{-,or lease-} is finalized.

49 (b) The sale{-} or exchange{-,or lease-} of trust lands is subject to the ~~{public-access rights}~~ grant of permanent easement existing at the time of the sale{-,exchange-} or ~~{lease}~~ exchange.

88 Section 3. Section **63L-11-202** is amended to read:

89 **63L-11-202. Powers and duties of the office and executive director.**

53 (1) The office shall:

54 (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;

57 (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;

59 (c)

. (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and

61 (ii) execute any action assigned in a constitutional defense plan;

62 (d) develop public lands policies by:

63 (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;

66 (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;

68 (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy; and

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- 70 (iv) partnering with state agencies and political subdivisions in an effort to:
- 71 (A) prepare coordinated public lands policies;
- 72 (B) develop consistency reviews and responses to public lands policies;
- 73 (C) develop management plans that relate to public lands policies; and
- 74 (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;
- 76 (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
- 78 (i) state agencies;
- 79 (ii) political subdivisions;
- 80 (iii) the Office Center of Rural Development created under Section 63N-4-102;
- 81 (iv) the coordinating committee;
- 82 (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
- 84 (vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 87 (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- 88 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part 4, Historic Sites;
- 90 (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
- 92 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 93 (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
- 95 (i) the Constitutional Defense Council; and
- 96 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
- 98 (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the executive director, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;

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(k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304;
[and]

105 (l) fulfill the duties described in Section 63L-10-103[-] ; and

106 (m) perform the duties described in Section 63L-11-205.

107 (2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a comment
to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) in submitting the
comment.

110 (3) The office may enter into an agreement with another state agency to provide information and
services related to:

112 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;

114 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S.
2477 matters; or

116 (c) any other matter within the office's responsibility.

117 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

118 (a) the Department of Natural Resources;

119 (b) the Department of Agriculture and Food;

120 (c) the Department of Environmental Quality;

121 (d) other applicable state agencies;

122 (e) political subdivisions of the state;

123 (f) federal land management agencies; and

124 (g) elected officials.

161 Section 4. Section 4 is enacted to read:

162 **63L-11-205. Identification and recording of public roads {accessing} located on state-owned
public lands.**

128 (1) As used in this section, "state land" means land owned by:

129 (a) the Department of Natural Resources;

130 ~~{(b) {the Division of Wildlife Resources;}}~~

131 ~~{(e)}~~ (b) the Division of Forestry, Fire, and State Lands;

132 ~~{(d)}~~ (c) the Division of State Parks; and

133 ~~{(e)}~~ (d) any other state land management agency.

169 (2)

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- 134 ~~{(2)}~~ (a) In coordination with the relevant owner, the executive director shall:
- 135 ~~{(a)}~~ (i) subject to Subsection (3), using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify roads ~~{that provide access to}~~ located on state land;and
- 137 ~~{(b)}~~ (ii) ~~{on or before March 31, 2026}~~ subject to Subsection (2)(b), record with the county recorder of the county in which the state land ~~{and access road}~~ is located a document as described in Subsection ~~{(3)}~~ (5) that gives notice of the existence of the public road~~{;and}~~ or right-of-way.
- 176 (b) The executive director may not record a notice described in Subsection (2)(a)(ii) for a road on state land that is owned by the Division of Wildlife Resources until the land is sold or exchanged as described in Subsection (6).
- 179 (3)
- 140 ~~{(e)}~~ (a) ~~{as described in Section 53C-2-106, coordinate as necessary with}~~ Subject to Subsection (3)(b), the executive director ~~{of}~~ may complete the ~~{School}~~ requirements of Subsection (2) over time and ~~{Institutional Trust Lands Administration}~~ as resources allow.
- 181 (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan County, Uintah County, and Wayne County, the executive director shall complete the requirements described in Subsection (2) on or before January 5, 2026.
- 142 ~~{(3)}~~ (4) The executive director is not required to identify or record notice of any class A, class B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- 145 ~~{(4)}~~ (5) The notice required in Subsection ~~{(2)(b)}~~ (2)(a)(ii) shall include:
- 146 (a) a title identifying the roads ~~{and access points}~~ as "Public Access~~{ " or "Public Right-of-way~~ "; and
- 148 (b) ~~{coordinates}~~ a legal description, as described in Subsection 57-3-105(4), of the relevant ~~{access points}~~ roads or rights-of-way sufficient for reasonable identification of the road.
- 150 ~~{(5)}~~ (6)
- . (a) If a parcel of state land is subject to a sale~~{;}~~ or an exchange~~{; or a lease}~~ , the executive director shall ensure that the requirements of Subsection (2) are completed before the sale~~{;}~~ or exchange~~{; or lease}~~ is finalized.
- 153 (b) The sale~~{;}~~ or exchange~~{; or lease}~~ of state land is subject to the public access rights existing at the time of the sale~~{;}~~ or exchange~~{; or lease}~~ .
- 196 (7)

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- 199 (a) The Division of Wildlife Resources shall identify roads within a wildlife management area in the
201 respective property's habitat management plan, as required in Section 23A-6-302.
- 202 (b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources may:
- 203 (i) temporarily close a road for the benefit of wildlife; and
- 204 (ii) permanently close roads for the benefit of wildlife only:
- 205 (A) through the habitat management plan review and approval process in Section 23A-6-303; and
- 206 (B) beginning on May 7, 2025, with consent of the county legislative body within which the road is
207 located.
- 208 (c) Notwithstanding Subsection (7)(b), the Division of Wildlife Resources may close a road for the
209 benefit of wildlife if:
- 210 (i) there is an alternative road that will remain open that provides reasonable access to the same area;
- 211 (ii) the road to be closed forks from the alternative road that will remain open;
- 212 (iii) the road to be closed is less traveled than the alternative road that will remain open;
- 213 (iv) the road to be closed travels in approximately the same direction as the alternative road that will
214 remain open; and
- 215 (v) the road to be closed intersects with the alternative road that will remain open within 2,000 feet of
216 the location where the road to be closed forks from the road that will remain open.
- 217 (d)
- 218 (i) The Division of Wildlife Resources shall record with the county in which the wildlife management
219 area property is located, any road on or across the wildlife management area prior to any sale or
220 exchange of any wildlife management area property.
- 221 (ii) The sale or exchange of Division of Wildlife Resources land is subject to the public access rights
222 existing at the time of the sale or exchange.
- 223
- 224 Section 5. Section **72-3-105** is amended to read:
- 225
- 226 **72-3-105. Class D roads -- Maps to be prepared by county -- Indication of roads.**
- 227 (1) As used in this section, "class D road" means any road, way, or other land surface route that has
228 been or is established by use or constructed and has been maintained to provide for usage by the
229 public for vehicles with four or more wheels that is not a class A, class B, or class C road under this
230 title, or an R.S. 2477 right-of-way, as that term is defined in Section 72-5-301.

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- (2) Each class D road is part of the highway and road system within the state with the same force and effect as if the class D road had been included within this system upon its being first established or constructed.
- 164 (3) The state and county have joint undivided interest in the title to all rights-of-way for class D roads.
- 166 (4)
- . (a) [The] Subject to Subsection (4)(b), the county governing body exercises sole jurisdiction and control of class D roads within the county.
- 239 (b) If a county vacates or abandons a class D road, the department exercises sole jurisdiction and control of the class D road.
- 168 (5)
- . (a) Each county shall prepare maps showing to the best of its ability the class D roads within its boundaries which were in existence as of October 21, 1976.
- 170 (b) Preparation of these maps may be done by the county itself or through any multi-county planning district in which the county participates.
- 172 (6) Any class D road which is established or constructed after October 21, 1976, shall be reflected on maps prepared as provided in Subsection (5).
- 174 (7) The county shall provide a copy of any map under Subsection (5) or (6) upon completion to the department.
- 176 (8)
- . (a) The department shall scribe each road shown on its own county map series.
- 177 (b) The department is not responsible for the validity of any class D road and is not responsible for its being inventoried.
- 179 (c) The department shall also keep on file an historical map record of the roads as provided by the counties.
- 254 (9)
- 181 {(9)} (a) If a county {unilaterally} vacates or abandons {a} the county's class D road interest in a road within the county, the right-of-way {reverts to} remains open for public use unless the department, in consultation with the Public Lands Policy Coordinating Office created in Section 63L-11-201, determines that the {state.} road or right-of-way:
- 258 (i) does not provide a benefit to the state in a manner consistent with the principles of multiple use and sustained yield as described in Section 63L-8-103; or

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- 260 (ii) is not used to access public or private land.
- 261 (b) Before a county may vacate or abandon the county's right-of-way interest in a class D road, the
county shall provide to the department 180 days in advance of taking the action a written notice that
includes the following:
- 264 (i) a legal description and map of the portion of the class D road for which the county intends to
abandon the county's interest;
- 266 (ii) a statement affirming that all gates and locks, whether or not installed or authorized by the county,
and all county agreements, have been removed from the portion to be vacated; and
- 269 (iii) documentation that the portion to be vacated is shown as a class D road in the county recorders
office.
- 271 (c) A county may not vacate or abandon the county's right-of-way interest in a class D road without the
approval of the department.
- 273 (d) A person may not place a lock or a gate on a class D road right-of-way over which the department
exercises sole jurisdiction.
- 275 (10)
- . (a) A county and the department are not required to maintain a class D road.
- 276 (b) An individual who travels on a class D road does so at the individual's own risk.
- 277 Section 6. Section 72-5-305 is amended to read:
- 278 **72-5-305. Term of grant -- Abandonment.**
- 279 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an R.S. 2477 right-
of-way is established for a perpetual term.
- 281 (2)
- . (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance with the procedures
in Part 1, Public Highways, of this chapter.
- 283 (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the right-of-way
shall revert to the state.
- 285 (c) To abandon an R.S. 2477 right-of-way as described in Subsection (2)(b), a political subdivision
shall:
- 287 (i) comply with Subsection 72-3-105(9); and
- 288 (ii) provide notice of abandonment to the director of the Public Lands Policy Coordinating Office
created in Section 63L-11-201.

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290 (3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not evidence of waiver
or abandonment of the R.S. 2477 right-of-way.

292 (4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the public
domain.

294 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

2-13-25 6:10 PM